

USSN 09/924,338

REMARKS

Upon entry of the amendment, claims 18, 39-53 and 55-65 will be pending in the application. Claim 54 is canceled. Claims 18 and 39-53 and 55-58 have been amended and claims 60-65 are newly added. Support for the amendments adding references to specific polypeptide sequences appears in the specification at, e.g., page 9, lines 15-22 (disclosing extracellular, transmembrane, and intracellular domains of the mature human IL-11R polypeptide disclosed in SEQ ID NO:2) and at page 30, lines 8-14 (disclosing amino acids 1-324; amino acids 1-345; or amino acids 1-359 of SEQ ID NO:2). Support for new claim 62 appears in cancelled claim 54. New claims 63-65 are supported in the specification at, e.g., page 17, lines 16-21 and page 23, lines 18-20. No new matter has been added.

The title and abstract have been amended as requested by the examiner.

The claims are rejected for overbreadth and indefiniteness.

Rejections under 35 USC 112, first paragraph

Claims 18 and 38-58 are rejected for overbreadth. The rejection is traversed to the extent it is applied to the claims as amended.

The Examiner states that the specification is enabling for an antibody to protein comprising the amino acid sequence set forth in SEQ ID NO:2 but contends that the claims that lack the recitation of structural properties encompass subject matter not supported by the specification (see paragraph 4 of the Office Action). To expedite prosecution, Applicants have

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amended claim 18, from which depends claims 39-57 and new claims 60-61, so that the antibody binds specifically to a protein with specified structural features, i.e., a protein that includes the amino acid sequence of SEQ ID NO:2 from amino acids 26 to 111, SEQ ID NO:2 from amino acids 112 to 365, SEQ ID NO:2 from 366 to 390, or SEQ ID NO:2 from 391 to 422.

Independent claim 58, from which depends claim 59, has been similarly amended.

In view of the foregoing comments, Applicants request reconsideration and withdrawal of the rejection for overbreadth.

Rejections under 35 USC 112, second paragraph

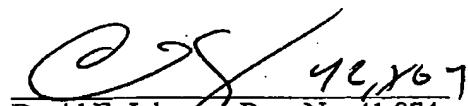
Claims 18 and 38-58 are rejected as indefinite for reciting "IL-11R". Applicants have amended the claims to delete reference to this language. Accordingly, this rejection can be withdrawn.

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CONCLUSION

The application is believed in condition for allowance, and such action is respectfully requested. A petition for extension of time accompanies this response. The Commissioner is authorized to charge any fees that may be due, or credit any overpayments of same, to Deposit Account No. 50-0311, Ref. No. 22058-516 DIV CON.

Respectfully submitted,


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